

McEVOY DECL.

EDWARDS ANGELL PALMER & DODGE LLP  
Rory J. McEvoy (RM-1327)  
Shari A. Alexander (SA-0615)  
Attorneys for Defendants  
Beth Israel Medical Center  
and Continuum Health Partners, Inc.  
750 Lexington Avenue  
New York, New York 10022  
212.308.4411

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOSEPH DI GIOVANNA,  
Plaintiff,

08 Civ. 02750 (LAK)

-against-

**DECLARATION OF  
RORY J. McEVOY**

BETH ISRAEL MEDICAL CENTER, and  
CONTINUUM HEALTH PARTNERS, INC.,

Defendants.


-----X

RORY J. McEVOY pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am a member of the firm of Edwards Angell Palmer & Dodge LLP, attorneys for Defendants Beth Israel Medical Center ("BIMC") and Continuum Health Partners, Inc. ("Continuum"), and I am fully familiar with this proceeding as well as the specific matters set forth herein. I make this declaration in support of Continuum's motion to dismiss the Complaint against Continuum.
2. Attached as Exhibit 1 is a copy of the Complaint in the above-captioned action, filed on December 10, 2007.

3. Attached as Exhibit 2 is a copy of a letter dated June 3, 2005, offering employment to Plaintiff Joseph Di Giovanna as a Director for the Department of Patient Accounts at Beth Israel Medical Center.

Dated: New York, New York  
March 21, 2008

  
Rory J. McEvoy (RM-1327)

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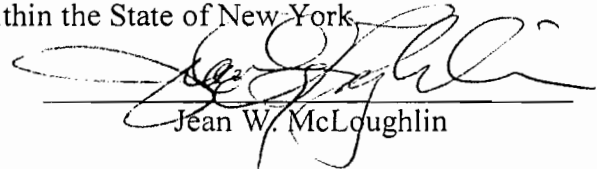
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOSEPH DI GIOVANNA, :  
 :  
Plaintiff, : 08 Civ. 02750 (LAK)  
 :  
-against- : **AFFIDAVIT OF SERVICE**  
 :  
BETH ISRAEL MEDICAL CENTER, and :  
CONTINUUM HEALTH PARTNERS, INC., :  
 :  
Defendant. :  
----- X

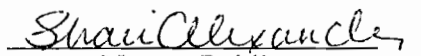
Jean W. McLoughlin, being duly sworn, deposes and says that she is over the age of eighteen; is not a party to this action; and that on the 21st day of March 2008, she served a true copy of the foregoing MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT CONTINUUM HEALTH PARTNER, INC.'S MOTION TO DISMISS, and NOTICE OF MOTION with accompanying declarations and exhibits annexed thereto upon:

Louis Ginsberg, Esq.  
The Law Firm of Louis Ginsberg, P.C.  
Attorneys for Plaintiff  
1613 Northern Boulevard  
Roslyn, New York 11576

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of Federal Express, via overnight delivery, within the State of New York.

  
Jean W. McLoughlin

Sworn to before me this  
21st day of March 2008

  
Notary Public  
SHARI A. ALEXANDER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02AL6144342  
Qualified In New York County  
My Commission Expires April 24, 2010